

REFERENCE TITLE: initiative and referendum; voter approval

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HCR 2030

Introduced by
Representatives Stevens, Gowan: Antenori, Ash, Burges, Montenegro, Seel,
Tobin

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, ARTICLE IX, SECTION 23 AND ARTICLE XXI, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, CONSTITUTION OF ARIZONA, BY ADDING SECTION 25; RELATING TO PUBLIC REVENUE ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article IV, part 1, section 1, Constitution of Arizona, is proposed
4 to be amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 1. Legislative authority: initiative and referendum

7 Section 1. (1) Senate; house of representatives;
8 reservation of power to people. The legislative authority of
9 the state shall be vested in the legislature, consisting of a
10 senate and a house of representatives, but the people reserve
11 the power to propose laws and amendments to the constitution and
12 to enact or reject such laws and amendments at the polls,
13 independently of the legislature; and they also reserve, for use
14 at their own option, the power to approve or reject at the polls
15 any act, or item, section, or part of any act, of the
16 legislature.

17 (2) Initiative power. The first of these reserved powers
18 is the initiative. Under this power ten per ~~centum~~ CENT of the
19 qualified electors shall have the right to propose any measure,
20 and fifteen per ~~centum~~ CENT shall have the right to propose any
21 amendment to the constitution.

22 (3) Referendum power; emergency measures; effective date
23 of acts. The second of these reserved powers is the referendum.
24 Under this power the legislature, or five per ~~centum~~ CENT of the
25 qualified electors, may order the submission to the people at
26 the polls of any measure, or item, section, or part of any
27 measure, enacted by the legislature, except laws immediately
28 necessary for the preservation of the public peace, health, or
29 safety, or for the support and maintenance of the departments of
30 the state government and state institutions; but to allow
31 opportunity for referendum petitions, no act passed by the
32 legislature shall be operative for ninety days after the close
33 of the session of the legislature enacting such measure, except
34 such as require earlier operation to preserve the public peace,
35 health, or safety, or to provide appropriations for the support
36 and maintenance of the departments of the state and of state
37 institutions; provided, that no such emergency measure shall be
38 considered passed by the legislature unless it shall state in a
39 separate section why it is necessary that it shall become
40 immediately operative, and shall be approved by the affirmative
41 votes of two-thirds of the members elected to each house of the
42 legislature, taken by roll call of ayes and nays, and also
43 approved by the governor; and should such measure be vetoed by
44 the governor, it shall not become a law unless it shall be
45 approved by the votes of three-fourths of the members elected to

1 each house of the legislature, taken by roll call of ayes and
2 nays.

3 (4) Initiative and referendum petitions; filing. All
4 petitions submitted under the power of the initiative shall be
5 known as initiative petitions, and shall be filed with the
6 secretary of state not less than four months preceding the date
7 of the election at which the measures so proposed are to be
8 voted upon. All petitions submitted under the power of the
9 referendum shall be known as referendum petitions, and shall be
10 filed with the secretary of state not more than ninety days
11 after the final adjournment of the session of the legislature
12 which shall have passed the measure to which the referendum is
13 applied. The filing of a referendum petition against any item,
14 section, or part of any measure shall not prevent the remainder
15 of such measure from becoming operative.

16 (5) Effective date of initiative and referendum measures.
17 Any measure or amendment to the constitution proposed under the
18 initiative, and any measure to which the referendum is applied,
19 shall be referred to a vote of the qualified electors, and shall
20 become law when approved by a majority of the votes cast
21 thereon, SUBJECT TO SUBSECTION (13), and upon proclamation of
22 the governor, and not otherwise.

23 ~~(6) (A)~~ (a) Veto of initiative or referendum. The veto
24 power of the governor shall not extend to an initiative measure
25 approved by a majority of the votes cast thereon or to a
26 referendum measure decided by a majority of the votes cast
27 thereon.

28 ~~(6) (B)~~ (b) Legislature's power to repeal initiative or
29 referendum. The legislature shall not have the power to repeal
30 an initiative measure approved by a majority of the votes cast
31 thereon or to repeal a referendum measure decided by a majority
32 of the votes cast thereon.

33 ~~(6) (C)~~ (c) Legislature's power to amend initiative or
34 referendum. The legislature shall not have the power to amend
35 an initiative measure approved by a majority of the votes cast
36 thereon, or to amend a referendum measure decided by a majority
37 of the votes cast thereon, unless the amending legislation
38 furthers the purposes of such measure and at least three-fourths
39 of the members of each house of the legislature, by a roll call
40 of ayes and nays, vote to amend such measure.

41 ~~(6) (D)~~ (d) Legislature's power to appropriate or
42 divert funds created by initiative or referendum. The
43 legislature shall not have the power to appropriate or divert
44 funds created or allocated to a specific purpose by an
45 initiative measure approved by a majority of the votes cast

1 thereon, or by a referendum measure decided by a majority of the
2 votes cast thereon, unless the appropriation or diversion of
3 funds furthers the purposes of such measure and at least
4 three-fourths of the members of each house of the legislature,
5 by a roll call of ayes and nays, vote to appropriate or divert
6 such funds.

7 (7) Number of qualified electors. The whole number of
8 votes cast for all candidates for governor at the general
9 election last preceding the filing of any initiative or
10 referendum petition on a state or county measure shall be the
11 basis on which the number of qualified electors required to sign
12 such petition shall be computed.

13 (8) Local, city, town or county matters. The powers of
14 the initiative and the referendum are hereby further reserved to
15 the qualified electors of every incorporated city, town, and
16 county as to all local, city, town, or county matters on which
17 such incorporated cities, towns, and counties are or shall be
18 empowered by general laws to legislate. Such incorporated
19 cities, towns, and counties may prescribe the manner of
20 exercising said powers within the restrictions of general laws.
21 Under the power of the initiative fifteen per ~~centum~~ CENT of the
22 qualified electors may propose measures on such local, city,
23 town, or county matters, and ten per ~~centum~~ CENT of the electors
24 may propose the referendum on legislation enacted within and by
25 such city, town, or county. Until provided by general law, said
26 cities and towns may prescribe the basis on which said
27 percentages shall be computed.

28 (9) Form and contents of initiative and of referendum
29 petitions; verification. Every initiative or referendum
30 petition shall be addressed to the secretary of state in the
31 case of petitions for or on state measures, and to the clerk of
32 the board of supervisors, city clerk, or corresponding officer
33 in the case of petitions for or on county, city, or town
34 measures; and shall contain the declaration of each petitioner,
35 for himself, that he is a qualified elector of the state (and in
36 the case of petitions for or on city, town, or county measures,
37 of the city, town, or county affected), his post office address,
38 the street and number, if any, of his residence, and the date on
39 which he signed such petition. Each sheet containing
40 petitioners' signatures shall be attached to a full and correct
41 copy of the title and text of the measure so proposed to be
42 initiated or referred to the people, and every sheet of every
43 such petition containing signatures shall be verified by the
44 affidavit of the person who circulated said sheet or petition,
45 setting forth that each of the names on said sheet was signed in

1 the presence of the affiant and that in the belief of the
 2 affiant each signer was a qualified elector of the state, or in
 3 the case of a city, town, or county measure, of the city, town,
 4 or county affected by the measure so proposed to be initiated or
 5 referred to the people.

6 (10) Official ballot. When any initiative or referendum
 7 petition or any measure referred to the people by the
 8 legislature shall be filed, in accordance with this section,
 9 with the secretary of state, he shall cause to be printed on the
 10 official ballot at the next regular general election the title
 11 and number of said measure, together with the words "yes" and
 12 "no" in such manner that the electors may express at the polls
 13 their approval or disapproval of the measure.

14 (11) Publication of measures. The text of all measures to
 15 be submitted shall be published as proposed amendments to the
 16 constitution are published, and in submitting such measures and
 17 proposed amendments the secretary of state and all other
 18 officers shall be guided by the general law until legislation
 19 shall be especially provided therefor.

20 (12) Conflicting measures or constitutional amendments. If
 21 two or more conflicting measures or amendments to the
 22 constitution shall be approved by the people at the same
 23 election, the measure or amendment receiving the greatest number
 24 of affirmative votes shall prevail in all particulars as to
 25 which there is conflict.

26 (13) MEASURES REQUIRING INCREASE OR EXPENDITURES OF PUBLIC
 27 REVENUES. ANY MEASURE THAT IS SUBMITTED TO THE VOTERS OF THE
 28 STATE OR A COUNTY, CITY OR TOWN UNDER THE POWER OF THE
 29 INITIATIVE OR REFERENDUM AND THAT INCLUDES ANY OF THE FOLLOWING
 30 MUST BE APPROVED BY AT LEAST TWO-THIRDS OF THOSE VOTING ON THE
 31 MEASURE:

32 (a) THE IMPOSITION OF ANY NEW TAX.

33 (b) AN INCREASE IN A TAX RATE OR RATES.

34 (c) A REDUCTION OR ELIMINATION OF A TAX DEDUCTION,
 35 EXEMPTION, EXCLUSION, CREDIT OR OTHER TAX EXEMPTION FEATURE IN
 36 COMPUTING TAX LIABILITY.

37 (d) AN INCREASE IN A STATUTORILY PRESCRIBED FEE OR
 38 ASSESSMENT OR AN INCREASE IN A STATUTORILY PRESCRIBED MAXIMUM
 39 LIMIT FOR AN ADMINISTRATIVELY SET FEE.

40 (e) THE IMPOSITION OF ANY NEW FEE OR ASSESSMENT OR THE
 41 AUTHORIZATION OF ANY NEW ADMINISTRATIVELY SET FEE.

42 (f) THE ELIMINATION OF AN EXEMPTION FROM A STATUTORILY
 43 PRESCRIBED FEE OR ASSESSMENT.

44 ~~(13)~~ (14) Canvass of votes; proclamation. It shall be
 45 the duty of the secretary of state, in the presence of the

governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within thirty days after the election, and upon the completion of the canvass the governor shall forthwith issue a proclamation, giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon, **AND SUBJECT TO SUBSECTION (13)**, to be law.

~~(14)~~ **(15)** Reservation of legislative power. This section shall not be construed to deprive the legislature of the right to enact any measure except that the legislature shall not have the power to adopt any measure that supersedes, in whole or in part, any initiative measure approved by a majority of the votes cast thereon or any referendum measure decided by a majority of the votes cast thereon unless the superseding measure furthers the purposes of the initiative or referendum measure and at least three-fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to supersede such initiative or referendum measure.

~~(15)~~ **(16)** Legislature's right to refer measure to the people. Nothing in this section shall be construed to deprive or limit the legislature of the right to order the submission to the people at the polls of any measure, item, section, or part of any measure.

~~(16)~~ **(17)** Self-executing. This section of the constitution shall be, in all respects, self-executing.

2. Article IX, section 23, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

23. Expenditures required by initiative or referendum; funding source

Section 23. A. An initiative or referendum measure that proposes a mandatory expenditure of state revenues for any purpose, establishes a fund for any specific purpose or allocates funding for any specific purpose must also provide for an increased source of revenues sufficient to cover the entire immediate and future costs of the proposal. The increased revenues may not be derived from the state general fund or reduce or cause a reduction in general fund revenues. **THE MEASURE IS SUBJECT TO THE VOTING REQUIREMENTS OF ARTICLE IV, PART 1, SECTION 1, SUBSECTION (13).**

B. If the identified revenue source provided pursuant to subsection A **OF THIS SECTION** in any fiscal year fails to fund the entire mandated expenditure for that fiscal year, the

1 legislature may reduce the expenditure of state revenues for
2 that purpose in that fiscal year to the amount of funding
3 supplied by the identified revenue source.

4 3. Article IX, Constitution of Arizona, is proposed to be amended by
5 adding section 25 as follows if approved by the voters and on proclamation of
6 the Governor:

7 25. School district override elections; vote required
8 ANY MEASURE THAT IS SUBMITTED TO THE VOTERS OF A SCHOOL
9 DISTRICT PROPOSING TO OVERRIDE ANY BUDGETARY, EXPENDITURE OR
10 DEBT LIMITATION MUST BE APPROVED BY AT LEAST TWO-THIRDS OF THOSE
11 VOTING ON THE MEASURE.

12 4. Article XXI, section 1, Constitution of Arizona, is proposed to be
13 amended as follows if approved by the voters and on proclamation of the
14 Governor:

15 1. Constitutional amendments; proposed by legislature
16 or initiative; election

17 Section 1. A. Any amendment or amendments to this
18 constitution may be proposed in either house of the legislature,
19 or by initiative petition signed by a number of qualified
20 electors equal to fifteen per centum CENT of the total number of
21 votes for all candidates for governor at the last preceding
22 general election.

23 B. Any proposed amendment or amendments which shall be
24 introduced in either house of the legislature, and which shall
25 be approved by a majority of the members elected to each of the
26 two houses, shall be entered on the journal of each house,
27 together with the ayes and nays thereon. When any proposed
28 amendment or amendments shall be thus passed by a majority of
29 each house of the legislature and entered on the respective
30 journals thereof, or when any elector or electors shall file
31 with the secretary of state any proposed amendment or amendments
32 together with a petition therefor signed by a number of electors
33 equal to fifteen per centum CENT of the total number of votes
34 for all candidates for governor in the last preceding general
35 election, the secretary of state shall submit such proposed
36 amendment or amendments to the vote of the people at the next
37 general election (except when the legislature shall call a
38 special election for the purpose of having said proposed
39 amendment or amendments voted upon, in which case the secretary
40 of state shall submit such proposed amendment or amendments to
41 the qualified electors at said special election,—). and

42 C. If a majority of the qualified electors voting thereon
43 shall approve and ratify such proposed amendment or amendments
44 in said regular or special election, AND SUBJECT TO ANY
45 ADDITIONAL VOTING REQUIREMENTS OF ARTICLE IV, PART 1, SECTION 1,

1 SUBSECTION (13), such amendment or amendments shall become a
2 part of this constitution. ~~Until a method of publicity is~~
3 ~~otherwise provided by law, the secretary of state shall have~~
4 ~~such proposed amendment or amendments published for a period of~~
5 ~~at least ninety days previous to the date of said election in at~~
6 ~~least one newspaper in every county of the state in which a~~
7 ~~newspaper shall be published, in such manner as may be~~
8 ~~prescribed by law.~~

9 D. If more than one proposed amendment shall be submitted
10 at any election, such proposed amendments shall be submitted in
11 such manner that the electors may vote for or against such
12 proposed amendments separately.

13 5. The Secretary of State shall submit this proposition to the voters
14 at the next general election as provided by article XXI, Constitution of
15 Arizona.